

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-11, 13, 17, 19-31, 45-52, 54-67, 69, and 70 are pending in the present application, with claims 1 and 45 being the independent claims. Claims 2, 8, 10, 11, and 46 have been amended to clarify the steps within the independent claims to which they refer. Claims 30 and 66 have been amended to clarify the nature of the claimed invention. Support for the amended claims can be found throughout the specification, *inter alia*, in the claims as originally filed. Claims 32 and 68 have been canceled without prejudice to or disclaimer of the subject matter presented therein. Entry and consideration of these amendments are respectfully requested.

Based on the following remarks, Applicants respectfully request that the Examiner reconsider the outstanding rejection and that it be withdrawn.

Rejections Under 35 U.S.C. § 112, second paragraph

Claims 8, 10, 11, and 46 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly having insufficient antecedent basis. Applicants have amended claims 2, 8, 10, 11, and 46 to clarify the steps within the independent claims to which they refer.

Claims 30 and 66 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter of the invention. Not in acquiescence to the rejection, but rather solely to expedite prosecution, Applicants have amended claims 30 and 66 to recite that the cardiac-specific regulatory sequence is selected "from the group consisting of the promoters of alpha-myosin heavy

chain (alpha-MHC) and ventricular myosin light chain 2 (MLC2v)," as suggested by the Examiner.

In view of the foregoing remarks, withdrawal of the above rejections is respectfully requested.

Rejection Under 35 U.S.C. § 112, first paragraph

Claims 32 and 68 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly not enabled. Not in acquiescence to the propriety of the rejection, but rather solely to advance prosecution, Applicants have canceled claims 32 and 68, thereby rendering the rejection moot. Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

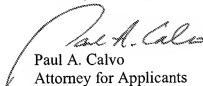
Conclusion

All of the stated grounds of rejection have been properly accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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Date: 12/6/10

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